

**Remarks**

Reconsideration and reexamination of the above-identified patent application, as amended, are respectfully requested. Claims 1-9, 11-19, and 21-23 are pending in this application upon entry of this Amendment. Claims 1, 11, and 21 have been amended. Claims 10, 20, and 24 have been cancelled. No claims have been added.

**Claim Rejections – 35 U.S.C. § 102**

In the Office Action mailed on June 27, 2002, the Examiner rejected claims 1-9, 11-19, and 21-23 under 35 U.S.C. § 102(b) as being anticipated by Bidder's Edge located on the Internet at [www.biddersedge.com](http://www.biddersedge.com) ("Bidder's Edge"). The Applicant has amended independent claims 1, 11, and 21 to include the limitations of respective dependent claims 10, 20, and 24.

Dependent claims 10, 20, and 24 were not rejected under 35 U.S.C. § 102(b). Accordingly, amended independent claims 1, 11, and 21 are patentable under 35 U.S.C. § 102(b). Claims 2-9, 12-19, and 22-23 depend from one of amended independent claims 1, 11, and 21 and include the limitations thereof. Thus, the Applicant requests reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. § 102(b).

**Claim Rejections – 35 U.S.C. § 103**

The Examiner rejected claims 10, 20, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Bidder's Edge. Amended independent claims 1, 11, and 21 include the subject matter of cancelled dependent claims 10, 20, and 24. Thus, the rejection to claims 10, 20, and 24 under 35 U.S.C. § 103(a) is applicable to amended independent claims 1, 11, and 21. The Applicant respectfully traverses this rejection and believes that the claimed invention as recited in amended independent claims 1, 11, and 21 is patentable over Bidder's Edge under 35 U.S.C. § 103(a).

The Examiner rejected claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,978,758 issued to McGovern et al. ("McGovern") in view of U.S. Patent No. 5,835,896 issued to Fisher et al. ("Fisher"). The Applicant respectfully traverses this rejection and believes that the claimed invention as recited in amended independent claims 1, 11, and 21 is patentable over any combination of McGovern and Fisher under 35 U.S.C. § 103(a).

**1. The Claimed Invention**

As recited in amended independent claims 1, 11, and 21, the claimed invention is directed to a method and an associated system for auctioning a product on a computer network having an auction site and a scan site in which the auction site has a sale product identifier indicative of a product for sale by a seller. The method includes placing a desired product identifier on the scan site of the computer network. The desired product identifier is indicative of a product desired by the buyer. The auction site is then monitored by the scan site in order to compare the desired product identifier on the scan site with the sale product identifier on the auction site. Based on the comparison between the desired product identifier and the sale product identifier it is determined whether the product desired by the buyer is for sale on the auction site by the seller. The auction site monitors the scan site to identify the desired product identifier placed on the scan site in order to enable the seller to determine the product desired by the buyer.

**2. The Claimed Invention Compared with Bidder's Edge**

The Examiner noted that Bidder's Edge does not have specifically have features that would allow a user to scan a database of desired products. The Examiner posited that Bidder's Edge includes a "Deal Watch" section which provides the user with a daily report of all auctions offering items that satisfy a search criteria. The Examiner posited that inherent to the feature is a database that stores the search criteria of the buyers desired products. As such, the Examiner posited that it would have been obvious to search this database to

determine products desired by the buyer in order to allow sellers with specific products the opportunity to find a buyer for those products.

The claimed invention differs from the specifically disclosed features of Bidder's Edge in that the claimed invention takes into consideration the demand side of an auction by enabling the seller to determine the demand for products by a buyer. This feature is accomplished by the auction site monitoring the scan site to identify the desired product identifier placed on the scan site in order to enable the seller to determine the product desired by the buyer. As a result, in addition to solving the problem of buyers having to monitor various auction sites to determine when a desired product becomes available for auctioning by a seller, the claimed invention also solves the converse problem of sellers having to monitor various scan sites to determine when a product is desired to be purchased through an auctioning by a buyer.

Irrespective of an inherent database that stores the search criteria of the buyers desired products for the "Deal Watch" section of Bidder's Edge, the claimed invention monitors the scan site with the auction site to enable the seller to determine products of interest to buyers. As such, the seller need only communicate with the auction site instead of directly with the scan site. This feature which solves the problem of a seller having to monitor the scan site to determined the desired products is neither taught nor suggested by Bidder's Edge.

Accordingly, the Applicant requests reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. § 103(a) with respect to Bidder's Edge.

### **3. The Claimed Invention Compared with McGovern and Fisher**

The Examiner cited McGovern as teaching a computerized job search system which include a site that stores job postings, receives input from job seekers, monitors the requests from the job seekers versus the postings to determine if there are matches and then notifies the job seeker if there is a match; the job seeker is given the option to input category or description data for their desired job; the system also allows for searching over multiple job

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posting sites; if a match is found, the system facilitates the user in applying for the job; the site includes the capability for companies with available jobs to search for resumes of job seekers.

The Examiner noted that McGovern does not teach searching and interacting within an auction system. The Examiner posited that Fisher teaches a system and method to conduct a multi-person, interactive auction for goods and services over a computer network. The Examiner posited that it would have been obvious to apply the search system of McGovern in order to search the auction system of Fisher.

Assuming that it would have been obvious to combine the search system of McGovern to search the auction system of Fisher, such combination does not involve the auction system of Fisher searching the search system of McGovern as set forth in the claimed invention (i.e., monitoring the scan site with the auction site to identify the desired product identifier placed on the scan site in order to enable the seller to determine the product desired by the buyer). As such, the claimed invention is deemed patentable over any combination of McGovern and Fisher.

**CONCLUSION**

In summary, claims 1-9, 11-19, and 21-23, as amended, meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested.

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If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,

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Attachment



## VERSION WITH MARKINGS TO SHOW CHANGES MADE

### In The Specification:

*Replace the paragraph beginning on page 10, at line 15, with the following:*

Referring now to FIGS. 4A through 4D, the database layouts maintained by scan site 18 in order to process the wanted to buy products on a per buyer and a per seller basis will be described. In general, the database layouts store information regarding the products requested by the buyer and those auctioned by the seller. Different views of the database layouts can be presented in order to assist sellers in viewing the demands for various categories. The database layouts include a wanted to buy table 92 as shown in FIG. [3A] 4A, a merchandise auctioned table 94 as shown in FIG. [3B] 4B, a buy sell items link table 96, and a bid decision table 98. The keys to tables 92 and 94 are the "buyer item #" and the "seller item #" columns. These columns are numeric fields generated automatically whenever a potential buyer adds a product to the wanted to buy list and a seller lists a product for sale either as a response to viewing the wanted to buy list (see buy sell items link table 96) or as an initiative to sell the item on the seller's own accord.

### In The Claims:

1. (AMENDED) A method of auctioning a product on a computer network having an auction site and a scan site, wherein the auction site has a sale product identifier indicative of a product for sale by a seller, the method comprising:

placing a desired product identifier on the scan site of the computer network, the desired product identifier indicative of a product desired by the buyer;

monitoring the auction site with the scan site;

comparing the desired product identifier on the scan site with the sale product identifier on the auction site; [and]

determining from the comparison between the desired product identifier and the sale product identifier whether the product desired by the buyer is for sale on the auction site by the seller; and

monitoring the scan site with the auction site to identify the desired product identifier placed on the scan site in order to enable the seller to determine the product desired by the buyer.

Q 89 spec fig 3k 3c  
Monitoring resume database w/ software to identify the bid place on auction  
to enable the

11. (AMENDED) A computer network auctioning system comprising:  
an auction host computer having an auction site, wherein the auction site has a sale product identifier indicative of a product for sale by a seller; and

a scan host computer having a scan site, wherein the scan host computer is operable for placing a desired product identifier on the scan site of the computer network, the desired product identifier indicative of a product desired by a buyer, the scan host computer operable to monitor the auction site, compare the desired product identifier on the scan site with the sale product identifier on the auction site, and determine from the comparison between the desired product identifier and the sale product identifier whether the product desired by the buyer is for sale on the auction site by the seller;

wherein the auction host computer monitors the scan site to identify the desired product identifier placed on the scan site in order to enable the seller to determine the product desired by the buyer.

21. (AMENDED) A method of auctioning a product on a computer network having a plurality of auction sites and a scan site, wherein each of the auction sites have sale product identifiers indicative of products for sale by sellers, the method comprising:

placing desired product identifiers on the scan site of the computer network, the desired product identifiers indicative of products desired by buyers;

monitoring the auction sites with the scan site;

comparing the desired product identifiers on the scan sites with the sale product identifiers on the auction sites; [and]

determining from the comparison between the desired product identifiers and the sale product identifiers whether products desired by the buyers are for sale on the auction sites by the sellers; and

monitoring the scan site with the auction sites to identify the desired product identifiers placed on the scan site in order to enable the sellers to determine the products desired by the buyers.